IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4084 OF 2005

Sudam Laxman Jadhav ..Petitioner.

Versus

Assistant Registrar & Ors. ..Respondents.

Mr. P.S. Dani for the Petitioner.

Mr. D.A.Patil, AGP for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 29TH JUNE, 2005.

P.C.:

1. Rule. Rule made returnable forthwith. Shri Patil waives notice for Respondents. Heard by consent.

2. According to the petitioner election to the Managing Committee of Respondent No.3 Society, scheduled to be held, is illegal in view of the wrong

inclusion of voters. Learned counsel for the petitioner submitted that the names of 48 voters were deleted from the final voters list by an order dated 06.06.2005 passed by respondent No.2. However, thereafter, by other order on the same day, those very voters' name have been reincluded in the voters list. According to the petitioner the said re-inclusion is illegal and the voters are not eligible to be on the voters list.

3. The learned counsel for the respondents, however, submitted and tendered the election programme, which was announced on 1st June, 2005, from which it appears that virtually all the stages required for polling are over. The polling which was scheduled to be held tomorrow i.e. 30th June, 2005 has been deferred to 3rd July, 2005. The election programme taken on record and marked 'X' for identification. In this view of the matter, I see no reason to interfere with the election. The petitioner will be at liberty, at this stage, to file election petition as may be advised in accordance with law.

4. The votes of those 48 persons, shown in lists A & C which are presumably the same persons, shall be

kept in a separate sealed cover, after they are counted. All contentions on merits are kept open. The petition disposed of in the above terms.

29.06.2005 (S.A.BOBDE,J.)

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